

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal Action No. 5:05CR46
(STAMP)

LIONEL HAMPTON,

Defendant.

ORDER ACCEPTING AND ADOPTING REPORT AND RECOMMENDATION

On December 21, 2005, United States Magistrate Judge James E. Seibert entered a report and recommendation recommending that the defendant's motion to suppress out of court identification, motion to exclude collateral crime evidence, and motion to suppress motion to exclude prior bad acts be denied as moot.

Pursuant to the Local Rules of this Court, any party with objections to the magistrate judge's report and recommendation must file written objections within ten days after being served with a copy of the report. To date, no objections have been filed by the parties.

Because the defendant has not filed any objections to the report and recommendation and because the defendant entered a plea agreement on December 20, 2005, this Court ACCEPTS and ADOPTS the magistrate judge report and recommendation in its entirety. Accordingly, the defendant's motion to suppress out of court identification, motion to exclude collateral crime evidence and motion to suppress motion to exclude prior bad acts are hereby DENIED AS MOOT.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to the defendant and to counsel of record herein.

DATED: January 26, 2006

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE